

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANIEL T. WELCH,

Petitioner,

v.

**WARDEN, SOUTHEASTERN
CORRECTIONAL INSTITUTE,**

Respondent.

Case No. 2:23-cv-948

Judge James L. Graham

Magistrate Judge Silvain, Jr.

ORDER

This case is before the Court on the Report and Recommendation (“R&R”) issued by Magistrate Judge Peter B. Silvain, Jr., Doc. 3. The Magistrate Judge initially entered a Deficiency Order against Petitioner, a federal prisoner challenging his sentence, noting that he neither paid the required filing fee nor submitted a complete motion for leave to proceed *in forma pauperis*. Doc. 2. He ordered Petitioner to either pay the filing fee or submit a complete motion for leave to proceed *in forma pauperis* within thirty days. *Id.* More than thirty days passed without any action by Petitioner. The Magistrate Judge then issued a R&R recommending that Petitioner’s habeas petition be dismissed for want of prosecution. Doc. 3.

The deadline for filing objections to the R&R has since expired, and no party has objected to the R&R. When no objections are timely filed, a district court reviews a magistrate judge’s report and recommendation for clear error. Fed. R. Civ. P. 72, advisory committee note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

The Court finds no clear error and agrees with the Magistrate Judge’s R&R, Doc. 3, and **ADOPTS** the same. Plaintiff’s action is **DISMISSED WITHOUT PREJUDICE**. The Court

certifies pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Order would not be taken in good faith. The Clerk shall terminate this case.

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: August 8, 2023